

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FILED
U.S. DISTRICT COURT
2008 JAN -7 P 2:51

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

CAROL ANDERSEN,

Plaintiff,

vs.

ALLEN D. WILLS,

Defendant.

ORDER ADOPTING REPORT AND
RECOMMENDATION

Case No. 2:07 CV 81 TC

Before the court are Defendant Allen D. Wills' motion to dismiss and Plaintiff Carol Andersen's motion for leave to file an amended motion for temporary restraining order. This case was referred to United States Magistrate Judge Brooke C. Wells pursuant to 28 U.S.C. § 636(b)(1)(B). Judge Wells issued her Report and Recommendation on December 3, 2007, recommending (1) DENIAL of Defendant's motion to dismiss, and (2) GRANTING of Plaintiff's motion for leave to file an amended motion for temporary restraining order. The parties were given ten days to file objections to the Report and Recommendation and were cautioned that failure to file an objection could constitute waiver thereof upon subsequent review. No objections were filed.

The court has fully considered, *de novo*, the file in this case including Judge Wells' recommendation, and finds that Judge Wells' conclusions are correct in all respects, and hereby

adopts the United States Magistrate Judge's Report and Recommendation as the order of the court. Accordingly, Defendant's motion to dismiss is DENIED. Plaintiff's motion for leave to file an amended motion for temporary restraining order is GRANTED. IT IS FURTHER ORDERED that the parties meet, confer and submit a proposed scheduling order to Judge Wells by January 18, 2008.

SO ORDERED this 7th day of January, 2008.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
Chief Judge